

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 12-mj-00110-KMT

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**1. DAVID PAUL MOE**

Defendant.

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**MOTION TO ADD CONDITIONS OF RELEASE**

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The United States of America, by and through John F. Walsh, United States Attorney for the District of Colorado, Alecia Riewerts Wolak, Assistant United States Attorney, and Lillian Alves, Special Assistant United States Attorney, respectfully requests that the Court add the conditions of release discussed below. On August 8, 2012, the Court issued an order setting conditions of release that states, "I will permit the Government to advocate for reasonable conditions of release." Doc. 30, pp. 7-8. The Court's current conditions of release, which the Government understands to be in addition to the standard conditions of release set by the U.S. Probation Office, are:

- (1) a property bond for the home where Defendant was living at the time of his arrest, in the full amount of the equity in the home;
- (2) home *incarceration* (with no permission to leave the dwelling other than for court appearances);
- (3) active GPS monitoring, which shows in real time Defendant's current location;
- (4) avoiding all contact with any minor children;

(5) residence at Defendant's parents' home and placement in their custody, with them agreeing to (a) supervise the Defendant, (b) use every effort to assure the Defendant's appearance at all court proceedings, and © notify the Court immediately if the Defendant violates a condition of release or is no longer in the custodian's custody;

(6) prohibition from Defendant accessing the internet;

(7) prohibition from the Defendant accessing, possessing, or viewing any pornography, child or adult;

(8) prohibition from the Defendant subscribing to any Internet service;

(9) requiring that the Defendant and/or his parents shall cancel any Internet service and provide verification of cancellation to the Probation Office;

(10) allowing the Probation Office to monitor access to personal computers or laptops and allowing the Probation Office entrance to his residence for such purpose;

(11) purging any personal computers or electronic devices of all existing image files containing pornography within 24 hours of release;

(12) prohibition from use of any encryption software;

(13) undergoing a mental health evaluation and participating in a program of mental health treatment, as approved by the supervising probation officer.

Doc. 30, pp. 8-9.

The Government requests that the Court add the following conditions related to the Defendant's ability to access computers and other devices that access the Internet as follows and amend the above conditions to the extent they conflict with the following conditions:

(1) Prohibition of any computer in the home.

(2) Prohibition of any device in the home which is able to access the Internet.

(3) The Defendant shall allow the Probation Office to monitor whether the Defendant has access to computers and any device which is able to access the Internet and will allow the Probation Office entrance to his residence for such purpose.

(4) When the Defendant leaves the home for court appearances, he must be accompanied by another adult approved by Pretrial Services, such as one of his parents.

The basis for the conditions discussed above is that the Defendant will reside in a residential neighborhood in the Denver metropolitan area where wireless networks, some of which may not be encrypted, can be expected to exist. While curtailing availability of the Internet at the home at which the Defendant is to reside is helpful, this condition would not prevent the Defendant from accessing the Internet using a computer or device with wireless capacity from inside the home. Additionally, accompaniment to court appearances will ensure that the Defendant does not access the Internet going to or returning from Court.

WHEREFORE, the Government respectfully requests that the bond conditions discussed above be added.

Respectfully submitted this 9<sup>th</sup> day of August, 2012.

Respectfully submitted,

John F. Walsh

UNITED STATES ATTORNEY

s/Alecia Riewerts Wolak

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Attorneys for Government

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of August, 2012, I electronically filed the foregoing **MOTION TO ADD CONDITIONS OF RELEASE** and attachment with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail address:

G. Paul McCormick  
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s/ Denise Guerra  
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